

**AN ORDINANCE TO AMEND CHAPTERS 4 AND 34 OF THE CITY CODE  
REGARDING THE REQUIREMENT OF ALL WINDOWS TO BE  
OPERABLE**

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#3931

Sponsors:

Council  
Members  
Freel  
Prado

**WHEREAS**, pursuant to Substitute No. 2 to Ordinance No. 13-034, Council of the City of Wilmington (the "Council") has adopted "The International Residential Code of 2012" and certain amendments thereto; and

**WHEREAS**, Council has enacted Chapter 34 of the City Code, which, as further set forth in Section 34-276, requires every window in a dwelling to be operable and to be readily opened and closed; and

**WHEREAS**, the requirements of Section 34-276 do not apply to windows that are on the fourth or higher story of a building; and

**WHEREAS**, the exemption under Section 34-276 was intended to apply to single and two-family dwellings only but adversely impacts multifamily and/or high rise buildings.

**NOW, THEREFORE, COUNCIL OF THE CITY OF WILMINGTON  
HEREBY ORDAINS:**

**SECTION 1.** Chapter 34 of the Code is hereby amended by amending §34-276 by deleting the language within brackets and by adding the underlined language to read as follows:

Sec. 34-276. All windows to be operable.

No dwelling or dwelling unit shall be deemed to comply with the requirements of this chapter relating to windows unless every window is operable and readily opened and closed. The requirements of this section shall mean that both parts of a double-hung window shall be moveable up and down and that any window that opens outward or that opens inward shall be

maintained so as to do so. [~~This provision shall not apply to windows that are on the fourth or higher story of a building.~~]  
This provision shall apply to type R-3 one and two family dwellings only.

**SECTION 2.** Chapter 4 of the City Code is hereby amended by adding a new subsection to “Sec. 4-33. Amendments to the Residential Building Code” (which constitute amendments to the International Residential Code of 2012), to read as follows:

**CHAPTER 6 WALL CONSTRUCTION**

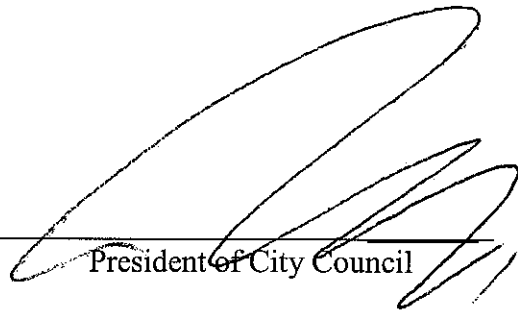
**Section R612 EXTERIOR WINDOWS AND DOORS**

**Section R612.1.1. All windows to be operable.** No dwelling or dwelling unit shall be deemed to comply with the requirements of this chapter relating to windows unless every window is operable and readily opened and closed. The requirements of this section shall mean that both parts of a double-hung window shall be moveable up and down and that any window that opens outward or that opens inward shall be maintained so as to do so. This provision shall apply to type R-3 one and two family dwellings only.

**SECTION 3.** This Ordinance shall become effective immediately upon its date of passage by the Council and approval by the Mayor.

First Reading ..... May 22, 2014  
Second Reading..... May 22, 2014  
Third Reading .....June 5, 2014

Passed by City Council,  
June 5, 2014

  
\_\_\_\_\_  
President of City Council

ATTEST:   
\_\_\_\_\_  
City Clerk

Approved as to form this 21<sup>st</sup>  
day of May, 2014

  
\_\_\_\_\_  
Assistant City Solicitor

Approved this 13 day of June, 2014

  
\_\_\_\_\_  
Mayor

**SYNOPSIS:** This ordinance amends Chapters 4 and 34 of the City Code regarding the requirement of all windows to be operable.